IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 5TH FEBRUARY, 2007 / 16TH MAGHA, 1928

MACA.No. 19 of 2007()

OPMV.146/2003 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUR
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APPELLANT/PETITIONER:

MOHAMMED MUHSIN, AGED 8 YEARS (MINOR),
REPRESENTED BY FATHER/GUARDIAN, AVARAN, S/O.KOYA,
PARAMBAT HOUSE, EDAYUR NORTH P.O.,TIRUR TALUK,
MALAPPURAM DIST.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.P.K.BEENA

RESPONDENTS/RESPONDENTS:
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1. SUBRAHMANYAN V.K., S/O. CHATHAN,
VELLARAMKUZHI HOUSE, VADAKKUMPURAM P.O.,
VALANCHERY, TIRUR.

2. HUSSAIN P.K., S/O. P.K. ENTHEEN,
PERUVANKUZHIYIL HOUSE, KODOOR P.O.,
VADAKKAMANNA (VIA), MALAPPURAM DISTRICT.

3. UNITED INDIA INSURANCE CO. LTD.,
MAVOOR ROAD, CALICUT.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M. RAMACHANDRAN & S.SIRI JAGAN, JJ.

M.A.C.A.NO. 19 OF 2007

Dated this the 5th day of February, 2007

J U D G M E N T

Ramachandran, J.

An eight year old boy had sustained injuries, on 27.11.2002, as a speedy bus had hit him while he was on the road margin. He had been hospitalised and his relatives had spent a considerable amount of money for his treatment. There was certificate issued by the Medical Attendant that he had suffered partial ankylosis of the left ankle and had sustained 10% disability. Taking notice of the evidence that had been let in, the Tribunal had awarded Rs.50,000/- as compensation. The permanent disability was assessed at Rs.22,500/- and the other major heads of compensation were in respect of pain and suffering (Rs.10,000/-), medical bills (Rs.11,500) and expenses of bystander (Rs.4100). This appeal has been filed by the minor wherein there is a contention that better compensation ought to have been awarded and the multiplier relied on by the Tribunal is low.

2. However, a reading of the order indicates that the Tribunal had borne in mind the nature of the injury, disability and the multiplier appropriately. We are not impressed by the arguments of the learned counsel that it was a case where higher compensation for pain and suffering or for disablement ought to have been granted. The medical bills have been adequately taken notice of and the normal standards and the methodology is seen to have been accepted by the Tribunal. It cannot be faulted. Consequently, the appeal is dismissed in limine.

M. RAMACHANDRAN
(JUDGE)

S.SIRI JAGAN
(JUDGE)

Mbs/

M. RAMACHANDRAN &
S. SIRI JAGAN, JJ

W.P.(FC).NO. OF 200

J U D G M E N T

DATED: -11-2006